

Notice of Allowability

Application No.

10/690,826

Examiner

Dana Ross

Applicant(s)

IWABUCHI ET AL.

Art Unit

3722

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 16 September 2005.
2. ☒ The allowed claim(s) is/are 1-14.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
 - * Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____ | 7. <input type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____. |

ALLOWANCE

Allowable Subject Matter

1. Claims 1-14 are allowed.
2. The following is an examiner's statement of reasons for allowance: The prior art neither anticipates nor renders obvious a vertical machining center as claimed in independent claims 1 and 13, or a five axis controlling vertical machining center as claimed in independent claims 2 and 14, specifically wherein the combination of limitations found in the specific independent claims includes the spindle head provided with a hand portion which approaches the bar workpiece only in a horizontal direction and grips and releases the bar workpiece (claims 1 and 2) or the spindle head provided with a hand portion which grips and releases the bar workpiece at a position near a center of the bar workpiece (claims 13 and 14).

The closest prior art is JP 07237077A (Kume, hereafter JP '007), which is discussed in detail in the previous office action.

JP '007 teaches a numerically controlled vertical machining center with spindle head 9 and gripper 11 for gripping a workpiece 1; vertical stocker 4; table 8 located below the spindle head and movable in three mutually transverse directions (see fig. 5, for example and paragraphs 0009, 0019, 0021 and 0034, for example).

JP '077 teaches the table 8 movable in three mutually transverse directions and the spindle head movable in one direction, but does not disclose the vertical machining center spindle head movable in three mutually transverse axes.

JP '077 does not teach the table swingable and at least rotatable by a table drive unit.

Therefore JP '007 does not anticipate the claimed invention.

As stated in the previous office action, it would be obvious to modify JP '007, and is well known in the art, for the spindle head to be moved in three mutually transverse axes.

US Pat. No. 6,313,259 (Stark et al., hereafter '259) teaches the spindle head movable in at least three mutually transverse directions and a table 20 having a chuck swingable and rotatable for both milling and turning machining (see col. 2, lines 22-36 and 59-66 and col. 3, lines 5-8, for example).

Neither JP '077 or US '259 teach the spindle head provided with a hand portion which approaches the bar workpiece only in a horizontal direction and grips and releases the bar workpiece (claims 1 and 2) or the spindle head provided with a hand portion which grips and releases the bar workpiece at a position near a center of the bar workpiece (claims 13 and 14).

Therefore neither JP '077 nor US '259, either alone or in combination, would render obvious the claimed invention of independent claims 1, 2, 13 or 14.

Furthermore, there is no prior that would render obvious the claimed inventions of independent claims 1, 2, 13 or 14, and no motivation found to modify the prior art to obtain the claimed inventions.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."


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Conclusion


3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dana Ross whose telephone number is 571-272-4480. The examiner can normally be reached on Mon-Thurs.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Boyer Ashley can be reached on 571-272-4502. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



dmr



BOYER D. ASHLEY
PRIMARY EXAMINER